

EXAMINER'S AMENDMENT

1. Applicants' amendment filed August 20, 2010 is acknowledged and has been entered. Claims 2-5, 9, 11, 12, 21, 22, 25-93 and 95-102 have been canceled. Claim 94 has been amended. Claims 1, 6-8, 10, 13-20, 23, 24 and 94 are now pending in the present application. All rejections have been withdrawn in view of Applicants' amendment to the claims and/or comments.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Helen C. Lockhart, 39248 on November 3, 2010.

3. The application has been amended as follows:

1. (Currently amended) An isolated oligonucleotide comprising:

5'TCGX₁X₂N₁3'

wherein X₁ is any nucleotide, X₂ is A, T, or C when X₁ is C or A, X₂ is A or G when X₁ is T, X₂ is any nucleotide when X₁ is G, N₁ is 2-95 nucleotides, wherein the CG dinucleotide is an unmethylated CG dinucleotide, wherein 5' designates the 5' end of the oligonucleotide and 3' designates the 3' end of the oligonucleotide, and wherein N₁ does not include an unmethylated CG motif, wherein the oligonucleotide is 13-100 nucleotides in length.

13. (Currently amended) The oligonucleotide of claim 1, wherein N₁ is N₂N₃ and wherein N₂ is [8-94] 8-40 nucleotides and N₃ is 2-5 pyrimidines.

16. (Canceled)

4. Claims 1, 6-8, 10, 13-15, 17-20, 23 and 24 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claim 94, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, is hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on June 26, 2006 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

5. Claims 1, 6-8, 10, 13-15, 17-20, 23, 24 and 94 have been allowed and renumbered 1-15 respectively.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to N. M. Minnifield whose telephone number is 571-272-0860. The examiner can normally be reached on M-F (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms can be reached on 571-272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. M. Minnifield/

Primary Examiner, Art Unit 1645